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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

PEDRO PELAYO ZABALZA,

Defendant and Appellant.

C058934

(Super. Ct. No. 07F04042)

In July 2006, 11-year-old M. P. told her mother and an investigator that between the ages of six and 10 she had been molested by defendant Pedro Pelayo Zabalza 11 different times in four different locations. The majority of the molestations occurred with defendant touching her vagina and breasts with his mouth and hands, but some incidents also involved penetration with his fingers and touching her mouth with his penis. Defendant denied the allegations in an interview with law enforcement and during four pretext calls with M. P.

Defendant entered a negotiated plea of guilty to three counts of lewd and lascivious acts upon a child under the age of 14 (Pen. Code, § 288, subd. (a)). The court sentenced defendant

to a stipulated prison term of 12 years, imposed various fines and fees, and awarded 523 days' credit (349 custody and 174 conduct).

Failing to obtain a certificate of probable cause, defendant appeals.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

Disposition

The judgment is affirmed.

_____, SIMS, Acting P. J.

We concur:

_____, DAVIS, J.

_____, NICHOLSON, J.